

Massachusetts Water Resources Commission

Meeting Minutes for March 12, 1998

Commission Members in Attendance:

Mark P. Smith	Designee, Secretary of Environmental Affairs
Arleen O'Donnell	Designee, Department of Environmental Protection
Richard Thibedeau	Designee, DEM, Office of Water Resources
Marilyn Contreas	Designee, Department of Housing and Community Development
Mark S. Tisa	Designee, Department of Fisheries, Wildlife, and Environmental Law Enforcement
Joe McGinn	Metropolitan District Commission
Jeff Kapell	Public Member
Francis J. Veale, Jr.	Public Member
Bob Zimmerman	Public Member
Gary Clayton	Public Member

Others in Attendance:

Mike Gildesgame	DEM, Office of Water Resources
Vicki Gartland	DEM, Office of Water Resources
Michele Drury	DEM, Office of Water Resources
Duane LeVangie	DEP, Water Management Act
Ellen Gugel	EOEA
Michele Cobban Barden	Neponset River Watershed Association
Karen Pelto	Riverways/DFWELE
Gretchen Roorbach	MWRA
Bill Elliott	WSCAC

Agenda Item #1: Executive Director's Report

Mark P. Smith briefed WRC members on the following items.

Canton Decision. The Conservation Law Foundation (CLF) has appealed the WRC's Canton decision, but EOEA has not yet been formally served. CLF and EOEA agree on the WRC policy issues but not on the WRC decision. CLF has 90 days to serve EOEA and CLF is waiting to see whether the Town of Canton withdraws its application. Smith reports that there has been good communication between CLF/Neponset River Watershed Association and EOEA.

Watershed Initiative Update. 18 of 20 Basin Team Leaders were hired last month and began on March 2nd. They had two days of orientation and training and will be gathering for weekly training sessions for the next couple of months.

Decentralized Wastewater Workshop. Bob Zimmerman discussed the Charles River Corridor Council workshop on March 19 at the Franklin Country Club in Franklin on decentralized wastewater and alternatives for treatment and groundwater recharge. WRC members should have received invitations. A New Jersey-based consultant who operates such systems will be speaking, as will Arleen O'Donnell.

Grant Opportunities. An RFR for Comprehensive Planning Grant went out. It combines the Watershed Initiative Comprehensive grant and Growth Management grants from previous years. The grant has two components, one for a nonprofit organization such as watershed associations and one for municipalities or regional planning agencies. Download information from the COMMPass web site or talk to John Lipman or John Clarkeson. There is a bidders' conference today.

Brockton. The Town of Brockton is about to release its long-term strategy for meeting its water supply needs. An interbasin transfer of some sort is anticipated.

MWRA. The MWRA is enlarging sewer interceptors in Braintree/Weymouth to reduce overflows. This is another interbasin transfer which will come before the WRC soon. The project is currently in MEPA review.

MEPA Regulations. Arleen O'Donnell reminded WRC members that the MEPA regulations are undergoing changes now and would like WRC members to have an opportunity to review a summary of major issues. Some thresholds have changed on wastewater, water supply, and the MWRA system. She suggested R.J. Lyman of MEPA be on the agenda for next month's WRC meeting. It was agreed to ask R.J. Lyman.

Agenda Item #2: Vote: Adoption of meeting minutes of February 12, 1998 and special meeting of January 29, 1998

Not all members received their monthly WRC packets this month. It was agreed to postpone the acceptance of the minutes until next month so that all WRC members have had an opportunity to review them.

Agenda Item #3: Update: WRC policy review process

? Mark reported that Nina Danforth (DEM) will be working on the new WRC policy development and thanked Rich Thibedeau for this assistance.

? Mark P. Smith is still seeking input on what needs to be included or considered by staff working on the policy development. Trudy Coxe is very supportive of this initiative. The Cape Cod Times carried an article on the water supply conference held on the Cape a couple of weeks ago and covered Coxe's announcement of the intent to develop a new policy (which was included in WRC materials). The message was well-received by the Cape community. Smith distributed copies of Secretary Coxe's speech on the issue. The second of the two water supply conferences will be off-Cape and is scheduled for April 30.

The four major areas of policy development currently under review are:

- Defining specific performance standards for Interbasin Transfer Applications that must be met before acceptance of an application as complete (voted by WRC at 1/29/98 meeting).

- Clarifying existing or establishing new guidelines for reporting and enforcement of conditions contained in Interbasin Transfer approvals (voted by WRC at 1/29/98 meeting).

-Developing a screening process for water supply development projects. Currently, water suppliers can do major work on projects before hitting the "hard issues". WRC should develop a process for early identification of the issues on particular projects. The role of the MEPA process will also be explored. If there are going to be problems, they should be known up front.

-Establishing a formal public comment period on proposed interbasin transfers after the staff recommendation has been issued. Currently, the public comment period occurs after the application has been declared complete but prior to the staff recommendation. The WRC should consider instituting this second formal public comment period.

Of the above list, developing the screening process may be the toughest challenge. One question is how this process can be integrated into the basin planning process.

? Pilot Program for Stressed Basins Jan Reitsma has discussed having a pilot program addressing water supply and streamflow issues in a stressed basin. The Ipswich study was suggested as a potential pilot program because of the extensive research being done on the river. The merits of costly models vs. using existing data was discussed. Funding of new studies was discussed. WRC members agreed that two pilots should be pursued--Ipswich type with extensive new research and other using existing data.

It was noted that the source approval process requires water suppliers to do some of this analysis already. Frank Veale suggested that if the state links water supply and growth, then we could make developers responsible for the funding and completion of the desired modeling and analysis.

Arleen O'Donnell suggests staff get started on these issues immediately and suggests a one day off-site work group retreat to accelerate matters.

? Performance Standards There are a number of guidance documents produced by the WRC dating back to 1986/1987 which could serve as the basis for water conservation and system efficiency performance standards. The eight criteria of the Interbasin Transfer Act can be used as a framework for implementing the new performance standards. Other sources of information such as DEP's I/I guidance, the American Waterworks Association standards, and MWRA standards and other existing information can be used to develop the performance standards.

Water suppliers want to participate (MWWA and NEWWA) and should have a chance to work with the staff. There is a WRC task force and a list of professionals from the water community who have participated on various WRC issues in the past. The list of names was distributed. In general, a subset of the large list are invited to work on issues that are of particular interest to them. Mark Smith asked WRC members to provide suggestions.

Mark Smith has assembled a work group to look at performance standards and it is moving forward. The group includes Jonathan Yeo of MWRA, Wayne Southworth from the Town of Easton, Martin Pillsbury of MAPC, Michele Barden of NepRWA, Dave Terry of DEP, Mark Tisa of DFWELE, and others. Jeff Kapell asked that all WRC members be included on the master list.

Jeff Kapell noted that performance standards for non-municipal users will be a very different and that a different group will be needed to develop them.

The Energy Facilities Siting Board and power plants were raised as another issue that the WRC should address.

One educational requirement discussed was that water suppliers must provide basic information to users such as the source of their water supply and the gallon per capita per day usage in addition to implementing efficiency and conservation programs. Commission members asked if recommendations on performance standards will be presented at next month's WRC meeting, but it was not promised.

? Screening Process Currently, the ACOE requires water suppliers to do an alternatives analysis because of potential impacts to wetlands. Then WRC requires another alternatives analysis. The Commission should look at what private consultants are already doing and get representatives on the work group (Jeff Kapell's suggestion). Bob Zimmerman cautions on selection telling us to avoid the "drill a hole and suck" types. Mark Smith will take suggestions. This is an opportunity to include water suppliers who say they often feel left out of the policy making process.

Mark Smith listed several issues that should be included in a screening process: water quality, water quantity, wetlands, streamflow, rare and endangered species, system efficiency, and alternatives analysis.

One idea would be to incorporate the screening analysis into the MEPA process. Another potential screening issue to add to the above list is whether there are state-owned lands involved. WRC members were informed that the goal was to have DEP and the ACOE water supply and wetlands permits use the same screening mechanisms.

? Reporting and Enforcement DEP is taking the lead on reporting and enforcement. Arleen O'Donnell reports that Lealdon Langley is working on it.

? Public Process Mark Smith discussed the need for a better, more well-defined opportunity for public comment on Interbasin Transfer Act applications after the staff recommendation has been released. The WRC currently has 60 days from close of the public hearings to make a decision. Will adding another public comment period require a regulatory change?

A question was raised whether there were other examples of programs where the public commented on draft decisions. Joe McGinn suggested the NPDES discharge permit process as a model. Rich Thibedeau said that the best comments received from the public have generally been after the staff recommendation has been released. Currently, these comments are not part of the public record.

Mark Smith expressed concern about extending the 60 days and asked if we can draft a decision, get public comment, rewrite the recommendation, and get a decision in the existing time frame. Many felt that time frame is already tight. Staff only has two weeks to write a decision as it is now without the added comment period under discussion. Michele Drury said that if WRC does this, a time extension will be necessary.

Joe McGinn suggested that an alternative to public hearings would be an informational meeting. Jeff Kapell suggested that the Commission ought not to be required to vote on a decision at the same meeting where there has been a hearing scheduled on the same application.

Mark Smith said that the Commission should look at how it can implement this new public comment period within the current regulations and time frame as well as looking at doing so with a regulatory change. Smith asked staff to develop the two options.

Agenda Item #4: Update: Status of Dedham-Westwood water withdrawals

Duane LeVangie was asked to provide an update. The pumping records of the Dedham/ Westwood Water District wells were examined by DEP and DEM staff, and staff met with town officials and NepRWA. Vague language in the permit appears to be partially responsible for the lack of compliance with the conditions. The Fowl Meadow well received Interbasin Transfer Act approval in 1992 and Water Management Act approval in 1993, but 1997 was the first year it was used officially (other than DEP declared emergencies).

Adjournment

At this point, a fire alarm sounded which resulted in the entire floor being evacuated. The meeting was abruptly adjourned.

EG/MG

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